

FILED 2 AUG '11 14:37 USDC-ORP

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION**

**UNITED STATES OF AMERICA**

**No. CR 10-318 MO**

**v.**

**THIRD SUPERSEDING INDICTMENT**

**DANIEL ARELLANO-VARGAS, and  
GONZALO VARGAS-TORRES  
also known as "Papa",  
also know as Moises Vargas Torres**

**Defendants.**

**21 U.S.C. § 841(a)(1), (b)(1)(A)(viii)  
21 U.S.C. § 841(a)(1), (b)(1)(A)(vii)  
21 U.S.C. § 841(a)(1), (b)(1)(B)(viii)  
21 U.S.C. § 846  
18 U.S.C. § 924(c)(1)(A)  
18 U.S.C. § 924(o)  
18 U.S.C. § 924(d)  
28 U.S.C. § 2461(c)**

**THE GRAND JURY CHARGES THAT:**

**COUNT 1-CONTROLLED SUBSTANCE CONSPIRACY**

Beginning on an unknown date in early 2009, and continuing up to November 10, 2010, in the District of Oregon and in the State of Washington, **DANIEL ARELLANO-VARGAS**, and **GONZALO VARGAS-TORRES**, defendants herein, did knowingly and intentionally conspire and agree with each other, and others, both known and unknown to the Grand Jury to:

**OBJECTIVES OF THE CONSPIRACY**

- (1) Knowingly and intentionally manufacture marijuana, to wit: more than one-thousand (1000) marijuana plants, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(vii).
- (2) Knowingly and intentionally distribute methamphetamine, to wit: more than fifty (50) grams of actual methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), and 841(b)(1)(A)(viii).

**WAYS AND MEANS OF CONSPIRACY**

As part of this conspiracy, the above-named defendants and their co-conspirators obtained, maintained, and used vehicles to facilitate the manufacture of marijuana and the distribution of methamphetamine.

As part of this conspiracy, the above-named defendants and their co-conspirators obtained, maintained, and used phones to facilitate the manufacture of marijuana and the distribution of methamphetamine.

As part of the conspiracy, the above-named defendants and their co-conspirators obtained, maintained, and used premises to facilitate the manufacture of marijuana and the distribution of methamphetamine.

As part of this conspiracy, the above-named defendants and their co-conspirators acquired, possessed and transported supplies including tents, tools, food, chemicals and equipment and utilize individuals to manufacture marijuana.

As part of this conspiracy, **DANIEL ARELLANO-VARGAS** and **GONZALO VARGAS-TORRES** acquired, possessed, maintained, used and transported firearms in connection with their drug trafficking offenses.

All in violation of Title 21, United States Code, Section 846.

**COUNT 2 (FIREARMS CONSPIRACY)**

Beginning on an unknown date in 2009, and continuing up to November 10, 2010, in the District of Oregon and in the State of Washington, **DANIEL ARELLANO-VARGAS** and **GONZALO VARGAS-TORRES**, did knowingly and intentionally conspire and agree with each other, and others, both known and unknown to the Grand Jury to:

**OBJECTIVES OF CONSPIRACY**

- (1) Carry and use a firearm or firearms, during and in relation to the drug trafficking crimes set forth in Count 1, for which they may be prosecuted in a court of the United States, in violation of Title 18, United States Code, Section 924(c)(1)(A).
- (2) Possess a firearm or firearms in furtherance of the drug trafficking crimes set forth in Count 1, for which the defendants may be prosecuted in a court of the United States, in violation of Title 18, United States Code, Section 924(c)(1)(A).

**OVERT ACTS OF CONSPIRACY**

- (1) On or between March 26 to March 28, 2010, in the District of Oregon, the defendant **DANIEL ARELLANO-VARGAS**, possessed a .22 caliber handgun at a site used by the conspiracy to grow marijuana.

- (2) On or about March 26 to March 28, 2010, in the District of Oregon, an unidentified co-conspirator possessed a .22 caliber handgun at a site used by the conspiracy to grow marijuana.
- (3) On or about April 15, 2010, in the District of Oregon, the defendant **DANIEL ARELLANO-VARGAS** possessed a .45 caliber semi-automatic Springfield handgun at a site used by the conspiracy to grow marijuana.
- (4) On or about April 15, 2010, in the District of Oregon, an unidentified co-conspirator, possessed a Colt .22 caliber handgun in his waistband.
- (5) In preparation for the conspiracy's marijuana growing operations in 2010, the defendant **GONZALO VARGAS-TORRES** provided a 9mm handgun to co-conspirator Gabriel Arellano Vargas to carry at the conspiracy's marijuana growing sites in the District of Oregon.
- (6) In 2010, in the District of Oregon, co-conspirator Leonardo Vargas Anguiano possessed a .22 caliber handgun at a site used by the conspiracy to grow marijuana.

All in violation of Title 18, United States Code, Section 924(o).

**COUNT 3-POSSESS FIREARM FOR DRUG TRAFFICKING**

On or about April 15, 2010, in the District of Oregon, **DANIEL ARELLANO VARGAS**, defendant herein, did knowingly and intentionally possess a firearm, that is a 45 caliber semi-automatic Springfield handgun, in furtherance of the drug trafficking crime set forth in Count 1, for which he may be prosecuted in a court of the United States; in violation of Title 18, United States Code, Section 924(c)(1)(A).

**COUNT 4-POSSESS FIREARM FOR DRUG TRAFFICKING**

On or about March 26 to March 28, 2010, in the District of Oregon, **DANIEL ARELLANO VARGAS**, defendant herein, did knowingly and intentionally possess a firearm, that is a .22 caliber handgun, in furtherance of the drug trafficking crime set forth in Count 1, for which he may be prosecuted in a court of the United States; in violation of Title 18, United States Code, Section 924(c)(1)(A).

**COUNT 5 -(DISTRIBUTION OF METHAMPHETAMINE)**

On or about September 17, 2009, in the District of Oregon, **DANIEL ARELLANO-VARGAS**, defendant herein, did knowingly and intentionally distribute five (5) grams or more of methamphetamine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(B)(viii).

**COUNT 6 -(DISTRIBUTION OF METHAMPHETAMINE)**

On or about September 23, 2009, in the District of Oregon, **DANIEL ARELLANO-VARGAS**, defendant herein, did knowingly and intentionally distribute five (5) grams or more of methamphetamine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(B)(viii).

**COUNT 7 -(DISTRIBUTION OF METHAMPHETAMINE)**

On or about September 29, 2009, in the District of Oregon, **DANIEL ARELLANO-VARGAS**, defendant herein, did knowingly and intentionally distribute five (5) grams or more of methamphetamine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(B)(viii).

**COUNT 8 -(DISTRIBUTION OF METHAMPHETAMINE)**

On or about October 15, 2009, in the District of Oregon, **DANIEL ARELLANO-VARGAS**, defendant herein, did knowingly and intentionally distribute five (5) grams or more of methamphetamine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B)(viii).

**COUNT 9 -(DISTRIBUTION OF METHAMPHETAMINE)**

On or about October 28, 2009, in the District of Oregon, **DANIEL ARELLANO-VARGAS**, defendant herein, did knowingly and intentionally distribute five (5) grams or more of methamphetamine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B)(viii).

**COUNT 10 -(DISTRIBUTION OF METHAMPHETAMINE)**

On or about November 17, 2009, in the District of Oregon, **DANIEL ARELLANO-VARGAS**, defendant herein, did knowingly and intentionally distribute five (5) grams or more of methamphetamine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(B)(viii).

**COUNT 11 -(DISTRIBUTION OF METHAMPHETAMINE)**

On or about December 17, 2009, in the District of Oregon, **DANIEL ARELLANO-VARGAS**, defendant herein, did knowingly and intentionally distribute five (5) grams or more of methamphetamine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(B)(viii).

**COUNT 12 -(MANUFACTURE OF MARIJUANA)**

On or about July 25, 2010, **DANIEL ARELLANO-VARGAS** and **GONZALO VARGAS-TORRES**, defendants herein, in the District of Oregon, did knowingly and

intentionally manufacture more than 1000 marijuana plants, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(A)(vii).

**CRIMINAL FORFEITURE ALLEGATION**

Upon conviction of the controlled substance offenses alleged herein, **DANIEL ARELLANO-VARGAS** and **GONZALO VARGAS-TORRES**, defendants herein, shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the said violations and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said violation.

Upon conviction of the firearm offenses alleged herein, **DANIEL ARELLANO-VARGAS** and **GONZALO VARGAS-TORRES**, defendants herein, shall forfeit to the United States pursuant to Title 18, Section 924(d), and Title 28, United States Code, Section 2461(c), the firearm and all ammunition involved in that offense.

Dated this 2 day of August 2011.

A TRUE BILL.

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PRESIDING GRAND JUDGE~~

Presented by:

DWIGHT C. HOLTON  
United States Attorney

  
KATHLEEN L. BICKERS  
Assistant United States Attorney